

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RUTH SMITH, Individually and as Widow</b>	)	
<b>for the Use and Benefit of Herself and the</b>	)	
<b>Next of Kin of RICHARD SMITH, Deceased,</b>	)	<b>Case #: 3:05-00444</b>
	)	<b>Judge Trauger</b>
<b>Plaintiff,</b>	)	
	)	
<b>-against-</b>	)	
	)	
<b>PFIZER INC., PARKE-DAVIS,</b>	)	
<b>a division of Warner-Lambert Company</b>	)	
<b>and Warner-Lambert Company LLC,</b>	)	
<b>WARNER-LAMBERT COMPANY,</b>	)	
<b>WARNER-LAMBERT COMPANY LLC and</b>	)	
<b>JOHN DOE(S) 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF KENNETH B. FROMSON, ESQ.  
IN RESPONSE TO DEFENDANTS' OBJECTIONS TO THE  
EXPERT WITNESS STATEMENT OF DR. CHERYL BLUME**

I, Kenneth B. Fromson, deposes and states as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.
2. This declaration is submitted in support of Plaintiff's response to Defendants' Objections to the expert witness statement of Dr. Cheryl Blume.
3. The following documents are attached hereto:
  - Exhibit A - January 31, 2008 FDA Alert "Information for Healthcare Professionals Suicidality and Antiepileptic Drugs"
  - Exhibit B - December 16, 2008 letter from the FDA
  - Exhibit C - 2009 Label for Neurontin
  - Exhibit D - April 23, 2009 letter from the FDA

Exhibit E - Patient Medication Guide for Neurontin

Exhibit F - *Edwards v. Basel Pharmaceuticals*, 933 P.2d 298 (Okla. 1977)

Exhibit G - *MacDonald v. Ortho Pharmaceutical Corp.*, 394 Mass. 131 (Mass. 1985)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 13, 2010

/s/ **Kenneth B. Fromson**

Kenneth B. Fromson  
Finkelstein & Partners, LLP  
1279 Route 300, P.O. Box 1111  
Newburgh, NY 12551  
(800) 634-1212  
*Attorneys for Plaintiff Ruth Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 13th day of May, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

Aubrey B. Harwell, Jr., Esq.  
W. David Bridgers, Esq.  
Gerald D. Neenan, Esq.  
Robert A. Peal, Esq.  
Neal & Harwell, PLC  
2000 One Nashville Place  
150 Fourth Avenue, North  
Nashville, TN 37219

Prince C. Chambliss, Jr., Esq.  
Evans & Petree, PC  
1000 Ridgeway Loop Road, Suite 200  
Memphis, TN 38120

Mark S. Cheffo, Esq.  
Catherine B. Stevens, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
Four Times Square  
New York, NY 10036

Andrew Howell Myers, Esq.  
James Ernest Hooper, Esq.  
Stephen Ernest Oertle, Esq.  
Wheeler Trigg O'Donnell LLP  
1801 California Street, Suite 3600  
Denver, CO 80202-2617

Faith E. Gay, Esq.  
Quinn, Emanuel, Urquhart, Oliver & Hedges, LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, NY 10010

**/s/ Andrew G. Finkelstein**

Andrew G. Finkelstein